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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,967	12/12/2003	Rickie A. Bowerman		8743

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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,967	BOWERMAN, RICKIE A.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 7-11-05 and this action is final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,580,625 to Waltz.

Referring to claim 1, Waltz discloses multiple fishing rod retention system comprising at least two retention blocks – at 40-60, spaced from each other – see figures 1-2, each of the retention blocks having bores therethrough for receiving ends of the fishing rods – see proximate 40 in figures 2, each of the bores having means – at 46-54 and 60, for clamping a fishing rod disposed therein – see for example figures 1-2.

Referring to claim 2, Waltz discloses the means for clamping includes a clamping block – at 60 or at 40, the clamping block is movable relative to each of the retention blocks to obstruct the bore to trap the fishing rod therein – see proximate 62 in figure 2.

Referring to claim 3, Waltz discloses the clamping block moves in an up and down manner – see for example figures 1-2.

Referring to claim 4, Waltz discloses the clamping block moves in a side to side manner – via item 14 as seen in figure 2.

Referring to claim 5, Waltz discloses there are at least two clamping blocks – at 60 and/or 40– see for example figures 1-2.

Referring to claim 6, Waltz discloses each of the clamping blocks is spring biased into a clamping position – see for example at 50 in figure 2.

Referring to claim 7, Waltz discloses means for arresting the clamping blocks into a non-clamping position – see at 50-52 in figure 2.

Referring to claim 8, Waltz discloses the non-clamping position is released by a single latch release – see at 50-54 in figure 2.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,897,952 to Hawie.

Referring to claim 1, Hawie discloses a multiple fishing rod retention system comprising, at least two retention blocks – at 24,26', spaced from each other – see figure 1, each of the retention blocks having bores therethrough for receiving end of fishing rods – see figure 1, each of the bores having means – at 42,46',64-74, for clamping a fishing rod disposed therein – see for example figures 1 and 6-7.

Referring to claim 2, Hawie discloses the means for clamping includes a clamping block – at 64, the clamping block is movable relative to each of the retention blocks to obstruct the bore to trap the fishing rod therein – see for example figures 1 and 6-7.

Referring to claim 3, Hawie discloses the clamping block moves in an up and down manner – see for example figures 6-7.

Referring to claim 4, Hawie discloses the clamping block moves in a side to side manner – see for example figures 6-7.

Referring to claim 5, Hawie discloses there are at least two clamping blocks – at 64 – see for example figures 1 and 6-7.

Referring to claim 6, Hawie discloses each of the clamping blocks is spring biased – at 66,72, into a clamping position – see for example figures 6-7.

Referring to claim 7, Hawie discloses means for arresting the clamping blocks in a non-clamping position – see at 46'68,70 in figures 6-7.

Referring to claim 8, Hawie discloses the non-clamping position is released by a single latch release – see at 46',70 in figures 6-7.

Response to Arguments

4. Regarding claim 1, the Waltz reference US 4580625 does disclose two blocks at the items – 40-60 as seen in figures 1-2. Item 40 is not being referred to as the block but the combination of the elements 40 thru 60 are deemed to disclose the claimed block. Further, the items at 40-60 are deemed a block in that they meet the definition of the term block as seen in

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Merriam-Webster's Collegiate Dictionary 10th edition of, a compact usually solid piece of substantial material. Further, Waltz discloses bores – formed by item 40 as seen in figures 1-2 where openings/bores are formed to hold fishing rods – at 44.

Regarding claim 2, the Waltz reference discloses movable clamping blocks – at 40 or 60, in that item 40 is movable as seen in the dotted lines in figure 2, via the biasing spring – at 50,52, and the block – at 60 is movable in that the tabs – at 62 are movable to receive and hold the fishing rod tips as seen in figure 1.

Regarding claim 3, the Waltz reference discloses the clamping blocks are movable in an up and down manner in that the tabs – at 62 of block – at 60, are flexible and thus are movable in an up and down manner to receive and hold the fishing rod tips. Further, the entire assembly as seen in figures 1-2 is movable to and from gunwales of boats as seen via the clamp – at 14, and thus the entire assembly is moved upward and downward to attach and detach from the gunwale of the boat.

Regarding claim 4, the Waltz reference discloses the clamping block moves in a side by side manner wherein the portion – at 40 moves side to side based on the compression of the spring – at 50-52 as seen in figure 2. Further, adjusting the holding clamp – at 14, allows for the entire assembly including the clamping blocks to move side to side during movement of the clamp – at 14 as seen in figure 2.

Regarding to claim 5, applicant agrees that the Waltz reference discloses at least two blocks.

Regarding claim 6, applicant agrees that the Waltz reference discloses spring biased clamping blocks – at 40.

Regarding claim 7, the Waltz reference discloses the clamping blocks are arrested into a non-clamping position via the items – at 50-52 as seen in figure 2, in that the spring – at 50, holds the block – at 40 into a rest position when there is no rod being held by the block – at 40. This position can be construed as a non-clamping position since there is no rod being held by the block.

Regarding to claim 8, the Waltz reference discloses a latch –at 50-54, releases the arresting means as seen in column 2 lines 21-38, where the arresting means is allowed to release from the rest position and into the clamping position as seen at items 52-56 in figures 1-2.

Regarding claims 1-2 and 6, the Hawie reference discloses a fishing rod holder as seen in figure 1 which holds/clamps the fishing rod.

Regarding claim 3, the Hawie reference discloses the assembly of the clamping blocks is capable of being movable up and down via the motion of the boat in which they are mounted or in the mounting of the clamping blocks to the boat.

Regarding claim 4, the Hawie reference discloses the assembly of the clamping blocks is capable of being movable in a side to side manner via the motion of the boat in which they are mounted or in the mounting of the clamping blocks to the boat.

Regarding claim 5, applicant agrees that the Hawie reference does disclose there are at least two clamping blocks.

Regarding claim 7, the Hawie reference discloses that the clamping blocks are latched as seen at items at 46'68,70 where these latch elements keep the clamping blocks closed as seen in figure 6.

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Regarding claim 8, the Hawie reference discloses the latch is released by a single release element – at 70 as seen in figures 6-7, where the release – at 70 is operated by the user to open and the clamping blocks as seen in column 4 lines 5-11.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OP

David Parsley
Patent Examiner
Art Unit 3643

Peter M. Poon

PETER M. POON
SUPERVISORY PATENT EXAMINER

9/6/05